

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY W. ENDSLEY,

Plaintiff,

No. CIV S- 04-O990 FCD GGH P

vs.

YOLO COUNTY SHERIFF'S DEPT., et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se in an action pursuant to 42 U.S.C. § 1983. In response to plaintiff's August 25, 2005 letter, asking that his case be dismissed until he is out of prison, the court filed an order on September 12, 2005, presenting plaintiff with alternatives for proceeding in this action, which will not be repeated here, and informing plaintiff that his voluntary dismissal of this action would mean that he may only proceed by filing a new action. In addition to the alternatives for proceeding in this action, the court also informed plaintiff that if he still sought voluntary dismissal without prejudice of this action in its entirety, he should so inform the court within 30 days. Plaintiff has once again requested, by filing dated September 26, 2005, that this action be dismissed.

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1           Accordingly, IT IS HEREBY ORDERED that defendants notify this court, within  
2 twenty days, whether they have any objection to the dismissal of this action. Should defendants  
3 fail to respond, plaintiff's request will be granted pursuant to Fed. R. Civ. P. 41(a)(2).

4 DATED: 10/21/05

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6                                   /s/ Gregory G. Hollows

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8                                   GREGORY G. HOLLOWS  
9                                   UNITED STATES MAGISTRATE JUDGE

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